

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
) Case No. 4:16CR552 HEA
vs.)
)
MELVIN HARMON,)
)
Defendant.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation of Magistrate Judge Noelle C. Collins. Defendant has filed written objections to Judge Collins' Recommendation. The Government has filed a response to the Objections. Judge Collins recommends that Defendant's Motion to Suppress Statements, [Doc. No. 41], be denied.

When a party objects to the magistrate judge's report and recommendation, the Court must conduct a *de novo* review of the portions of the report, findings, or recommendations to which the party objected. See *United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir.2003) (citing 28 U.S.C. § 636(b)(1)). Pursuant to 28 U.S.C. § 636, the Court will therefore conduct such a *de novo* review of those portions of the Memorandum to which Defendant objects. The Court has reviewed the entire

record, including the transcript, for this purpose.

Defendant relies on his previously filed Motion to Suppress. He argues that his right to remain silent was violated on March 17, 2015 by Inspectors Blue and Young, and that any statement he made was not voluntary.

Judge Collins correctly found that the Illinois inspectors are not police officers. They told defendant that their questioning was based on administrative policy and that he was free to leave the room at any time. *Miranda* warnings were therefore not required. *United States v. Mshihiri*, 816 F.3d 997, 1004 (8th Cir. 2016); *United States v. Jenkins-Watts*, 574 F.3d 950(8th Cir. 2009); *United States v. Garlock*, 19 F.3d 441, 442-44 (8th Cir. 1994). Since no warnings were required, whether Defendant's statements were voluntary in accordance with *Miranda* need not be addressed.

Judge Collins' Report and Recommendation is a thorough analysis of the applicable law. It is well reasoned and well supported. Defendant's objections are overruled, and the Court adopts Judge Collins' Report and Recommendation *in toto*.

Accordingly,

IT IS HEREBY ORDERED that the Motion to Suppress Statements, [Doc.

No. 41], is **DENIED**.

Dated this 4th day of August, 2017.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE